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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,052	12/15/2003	Adrian P. Stephens	884.B49US1	4028
21186 7590 01/31/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER QURESHI, AFSAR M	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/31/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,052

Applicant(s)

STEPHENS, ADRIAN P.

Examiner

Afsar M. Qureshi

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/24/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP0928084 A2 (MITSUBISHI DENKI KABUSHIKI KAISHA (Inventors: Poon et al.) ('Poon' hereinafter) in view of Kobayashi, US 2004/0218627 A1.

As to claims 1-3, 11, 15 and 19. Poon discloses transmitter side 200 and receiver side 202 (fig. 12) wherein the receiver detects the modulation type (*selected data type*) of the incoming signal and formats (*training the receiver*) into a state capable of interpreting the selected data type. This is done by a host processor 74 (*access point, see [0038]*) on a priori knowledge of the modulation type (*determining if the receiver maintains a state capable of interpreting the selected data type*) (see col. 3, lines 1-10, col. 5, lines 10-18 and col. 8, lines 9-12). In another embodiment, on the transmission side, a header word is inserted (*self definition information*) where a modulation type flag is used on the transmission which are detected at the receiver side and configures the demodulation logic circuit (*receiver does not maintain a state*

capable of interpreting the selected data type). (col. 3, lines 3035; col. 4, lines 42-47; col. 9, lines 10-20 and col. 11, lines 39-56).

As to claims 4-7. Poon discloses stripping off the header and providing flags in the header (see col. 12, [0061] fig. 12) each modulation type is predetermined between transmitter and receiver so that a receiver can enter the state where it can interpret the selected data type.

As to claim 8. Poon does not specifically disclose utilizing 802.11 protocols. However, 802.11 protocols are known and old (ANSI/IEEE 1999), Examiner takes Official Notice. For example, in 802.11 protocols, once a packet is correctly received by a receiver, it must remain off for an entire frame which causes stations that are outside an intended transmission range (*prohibits communication with a transmitter other than a training transmitter*) to remain idle during frame transmission.

As to claims 9-10, 17, 18, 22. Poon discloses self definition information, such as modulations discussed above, is included in the packet header (see col. 11, [0053]) wherein the data is sent in series of modulated packets.

As to claim 12-13, Poon discloses utilizing a program or software, in a computer, for sending a selected data with or without self definition information as discussed above (see col. 12, lines 5-12).

As to claims 16, 21. Poon discloses configuration 'RAM 80'(fig. 5A), receive side, that specifies the appropriate demodulation mode to be downloaded (see col. 9, [0038], lines 16-20).

As to claim 20. Poon does not specifically disclose an omnidirectional antenna, however, Poon discloses that the universal modem which is software reconfigurable has an input either a terrestrial signal or a *satellite signal* each with its own unique modulation format (see col. 7, [0031]). One of ordinary skill in the art, at the time of invention would readily realize that the same invention can be modified to receive satellite signals via an antenna (see col. 15, lines [0080]).

As to claim 14. Poon does not specifically disclose training session as claimed herein.

However, Kobayashi discloses performing a training session by sending a training pattern over a link to the receiver (see page 10, [0107]) where a processor controls the release of the training session (see fig. 25, page 9, [0101]).

It would have been obvious to one of ordinary skill in the art, at the time of instant invention, to be able to integrate process for performing training session, taught by Kobayashi to establish a stable link prior to communication between said transmitter and the trained receiver.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jasper et al. (US 5,533,004); Tzannes et al. WO 01/20864 (AWARE, INC.);
Yukitsuna Furuya (US 5,557,087).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Field Lynn can be reached on (571) 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**AFSAR QURESHI
PRIMARY EXAMINER**

1/24/2008